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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/055,484

01/22/2002

Joseph L. Kennedy

P-1788

7467

7590

10/08/2003

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EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,484

Applicant(s)

KENNEDY, JOSEPH L.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION*Amendment*

1. Receipt is acknowledged of the amendment filed on July 22, 2003. In the
5 amendment, claim 1 was amended, and claim 3 was newly added. Currently, claims 1-3
remain for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
10 obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
15

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Mindrum (US 6,340,978, previously cited) in view of Yamamoto (US 5,987,720,
previously cited).

20 Mindrum teaches a system and the method for retrieving information regarding
the deceased (see abstract, col. 1, lines 26+). The system allows on-line retrieval of
information from a central machine/database 50 utilizing a PC remotely connected to the
Internet (col. 4, lines 12+). As shown in figures 2 and 3, the identification regarding the
deceased can be physically located in the coffin (col. 5, lines 31+) or, the lot carries only
25 identification tag, which is used in retrieving the information from the central database
(col. 5, lines 44+). The information contained in the database includes identifier
identifying the individual and burial lot (col. 5, lines 44+), information about the

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individual's family (col. 6, lines 5+), health and genealogical information (col. 4, lines 58+).

Although Mindrum's identifier 46A-46C carries visible identification data, Mindrum fails to specifically teach or fairly suggest that it is in the form of a medallion
5 permanently attached to the gravestone.

Yamamoto teaches a portable tomb 10 wherein various memorabilia and labels such as medals, jewelry, and photo are attached (see abstract; col. 4, lines 34+).

In view of Yamamoto's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known medallion to the
10 teachings of Mindrum in order to improve aesthetic nature of identification device.

Although Mindrum is silent on specific structure of the identifiers 46A-46C, considering the sensitive nature of embodiment, it is obvious to one of ordinary skill in the art to utilize aesthetically pleasing device. Moreover, the transponders need to be protected from the inclement weather in order to communicate with host device. Accordingly, the
15 medallion can encapsulate the transponder, providing necessary protection and improves the appearance of the tag as well, and therefore an obvious expedient.

Response to Arguments

4. Applicant's amended claims and arguments filed on July 22, 2003 have been fully
20 considered, but they are not persuasive.

In the remarks section, Applicant argues that the references to Mindrum and Yamamoto do not teach the subject matter disclosed in the claimed invention, which Examiner respectfully disagrees.

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Both the Mindrum patent and the Yamamoto patent are directed at memorial products commemorating deceased persons. As indicted in the paragraph 3 above, each grave site contains an identification data 46A-46C. In another embodiment, Mindrum teaches that the identification tag can be permanently built into a headstone (col. 14, lines 20-35). Mindrum further discloses that the tag contains a customer number (col. 13, lines 11-31), which serves as an identification number. What Applicant argues as a deficiency in Mindrum reference is supported by the Yamamoto patent. The identification tag of Mindrum can certainly be modified to be aesthetically pleasing whether it is a medallion or any other type suggested by Yamamoto.

The amended claims and remarks describing these elements have been carefully reviewed, but it is Examiner's opinion that the cited references still teach on the subject matter presented in the instant application. In view of the above, Examiner has made this Office Action final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sens (US 6,571,439); Rodrigues et al. (US 5,732,515) disclose various memorial apparatus.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim
Patent Examiner
Art Unit 2876
September 24, 2003



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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